



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/528,650

10/05/2005

Peter Groche

000008-004

7130

44012

7590

09/29/2010

WRB-IP LLP

801 N. Pitt Sreet , Suite 123

ALEXANDRIA, VA 22314

EXAMINER

PILKINGTON, JAMES

ART UNIT

PAPER NUMBER

3656

NOTIFICATION DATE

DELIVERY MODE

09/29/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

HARRY@WRB-IP.COM

angie@wrb-ip.com

Office Action Summary	Application No. 10/528,650	Applicant(s) GROCHE ET AL.	
	Examiner JAMES PILKINGTON	Art Unit 3656	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 13, 19, 20, 29, 30, 36 and 37 are objected to because of the following informalities:

Claim 13, lines 2-3, recites "each guiding element being formed of sheet metal for guiding operations and comprising a piece of sheet metal having" which is grammatically incorrect, this phrase should be amended to read - -each guiding element being formed of a piece of sheet metal and said piece of sheet metal having"- .

Claim 13, line 8, recites "two of the at least two" and should be - -the at least two- - since the first "two" is redundant.

Claims 19, 20, 29 and 30, line 2, recites "two edge flanges are arranged" and should be - -two edges flanges of the third profiled guiding element are arranged- -.

Claims 36 and 37, lines 1-2, recites "wherein the third profiled guiding element has two edge flanges" which is repetitive of claim 1 which says each guiding element has to edge flanges, this phrase should read - -wherein the two edge flanges of the third profiled guiding element- -.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13-43 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 13 and 41 recites that the device can have sliding bodies and at least three profiled guiding elements. However, the specification discloses that when a sliding body is used (arrangement shown in Figure 14) there is only one profiled guiding element that meets the claim limitations of having two projection edge flanges. It is not clear how the device can have three profiled guiding elements when a sliding body is being used since the flanges of the guiding element need to partial surround/enclose the sliding body. The Applicant is attempting to make the independent claim read on two mutually exclusive embodiments of the device, it is suggested that the Applicant select the embodiment using rolling bodies and remove - -sliding bodies- - from the claims, including dependent claims 22-24 and 32.

Claim 38 recites that the device has a third sliding body. For the same reason stated above it is not clear how the device can have a third sliding body when in order to use the sliding body the flanges of the profiled guiding element must partially surround the sliding body.

Claims 39 and 42 recites that the first and second guiding elements are arranged in a generally y-shape at a longitudinal end of a single piece of sheet metal. It is not clear how both guide elements can be arranged on a single piece of sheet metal at a longitudinal end since the sheet metal in claim 1 is defined as having a longitudinal end that is split to form the two flanges of a single guiding element. It appears as if the

Art Unit: 3656

applicant is attempting to claim the body which the guiding elements are connected two in Figure 12. However this arrangement does not have three profiled guiding elements as required in claim 1.

Claim 41, lines 9-10 recite "respective second guiding surface each formed by respective surfaces of a third profiled guiding element" and lines 10 -11 recite "wherein the second guiding surfaces are each formed by one or more sheet metal rails." It is not clear how the second guiding surfaces are formed on both a profiled guiding element, defined as a structure having two projecting edge flanges early in the claim, and one or more sheet metal rails. The Applicant is attempting to make the independent claim read on two mutually exclusive embodiments of the device, it is suggested that the Applicant select one embodiment and amend the claims accordingly.

Allowable Subject Matter

Claims 13-43 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Response to Arguments

Applicant's arguments with respect to claim 13-43 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES PILKINGTON whose telephone number is (571)272-5052. The examiner can normally be reached on Monday - Friday 7-3.

Art Unit: 3656

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571)272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JAMES PILKINGTON/
Examiner, Art Unit 3656
9/22/10

/Thomas R. Hannon/
Primary Examiner, Art Unit 3656